

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JANUARY 31, 2000
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING:	4
ATTENDANCE DURING THE MEETING:	4
ITEM-1: ROLL CALL	5
ITEM-10: INVOCATION	5
ITEM-20: PLEDGE OF ALLEGIANCE	5
NON-AGENDA COMMENT:	5
COUNCIL COMMENT:	7
ITEM-30: Approval of Council Minutes.	7
ITEM-31: Veronica Froman Day.	8
ITEM-32: Herbert G. Klein Day.	8
ITEM-33: Cathy L. Clark Day in San Diego.	9
* ITEM-50: Use of Train Whistles in Centre City.	9
* ITEM-51: Amending the Transit Shelter and Bus Bench Memorandum of Understanding.	10
* ITEM-52: Amendment to the San Diego Municipal Code to add a Widows Benefit for the Spouse(s) of those City Employees who are Killed in the Line of Duty as a result of Physical Force or Physical Violence, pursuant to Assembly Bill 3478 and Senate Bill 563.	11
* ITEM-53: Amending the San Diego Municipal Code relating to the San Diego City Employees' Retirement System.	11

Minutes of Monday, January 31, 2000
Table of Contents (Continued)

Page 2

* ITEM-100: Adding a February 23, 2000, Land Use and Housing Committee Meeting.	12
* ITEM-101: Adding a February 23, 2000, Public Safety and Neighborhood Services Committee Meeting.	13
* ITEM-102: <u>Three</u> actions related to the Final Subdivision Map of California Terraces Unit No. 3D.	14
* ITEM-103: <u>Two</u> actions related to Approving Plans and Specifications and Inviting Bids for Sewer Replacement Contract A2.	15
* ITEM-104: Approving Plans and Specifications and Inviting Bids for the Construction of Chollas Landfill Gas Upgrade.	17
* ITEM-105: Landscaping Easement Abandonment in Lot 19 of Westview Unit No. 1, Map 12680.	19
* ITEM-106: Mary Cave Day.	20
* ITEM-107: Michael 'Big Mike' Phillips Day.	20
* ITEM-108: Excusing Councilmember Vargas from attending the regularly scheduled City Council Meetings of June 28-29, 1999, and October 26, 1999.	21
* ITEM-109: Rescue Boat Operations and Marine Firefighting Classes.	21
* ITEM-110: Shared Costs for State Storm Water Permit Fee.	23
* ITEM-111: Retime 36 and 99 (135) Traffic Signals Citywide.	24
* ITEM-112: Angle Parking on Voltaire Street.	25
* ITEM-113: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage.	26
* ITEM-114: Nomination to the San Diego Convention Center Corporation Board.	26
* ITEM-115: Nomination to the San Diego Convention Center Corporation Board.	27
ITEM-200: Ballpark and Redevelopment Project.	28

Minutes of Monday, January 31, 2000
Table of Contents (Continued)

Page 3

ITEM-201:	Ballpark and Redevelopment Project.	29
ITEM-202:	<u>Six</u> actions related to Issuance of Ballpark and Redevelopment Project Permanent Financing.	31
ITEM-203:	<u>Two</u> actions related to Agreements related to the Ballpark and Redevelopment Project, and Convention Center Expansion.	32
ITEM-204:	Ballpark and Redevelopment Project Implementation Agreement.	33
ITEM-205:	Transitional Housing for the Downtown Severely Mentally III Homeless.	34
ITEM-206:	Actions related to the Proposed Downtown Property and Business Improvement District.	36
ITEM-207:	Marketing Partnership Program.	37
ITEM-208:	Agreement with Hirsch and Company Consulting Engineers for the Adobe Falls Water Pump Station - Replacement.	38
ITEM-209:	Amending the San Diego Municipal Code relating to Adult Entertainment Businesses.	40
ITEM-210:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:	40
ITEM-211:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:	41
ITEM-212:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:	42
ITEM-250:	Settlement of the Personal Injury/Property Damage Claim of James Cronin. ...	43
ITEM-S400:	Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:	44
NON-DOCKET ITEMS:	45
ADJOURNMENT:	45

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2: 15 p.m. Deputy Mayor Mathis recessed the meeting at 4:25 p.m. to convene the Redevelopment Agency. Deputy Mayor Mathis reconvened the regular meeting at 4:29 p.m. with all members present. Mayor Golding reconvened the Redevelopment Agency to meet simultaneously with the City Council at 4:30 p.m. Mayor Golding adjourned the meeting at 8:00 p.m. into Closed Session at 9:00 a.m. on Tuesday, February 1, 2000, in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Warden-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Fishkin (pr)

FILE LOCATION: MINUTES

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, January 31, 2000**

Page 5

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Pastor Tom Owen Towle of the First Unitarian Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stallings.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding immigration and whether or not elected officials today are concerned with illegal immigrants.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A029-051.)

PUBLIC COMMENT-2:

Comment by Steven McWilliams regarding use of medical marijuana and a letter in the San Diego Tribune referencing anti-war movements.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A052-079.)

PUBLIC COMMENT-3:

Comment by Daniel Beeman regarding his feeling that there is unbridled spending in the City of San Diego. Mr. Beeman stated he will no longer heed to greed.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A080-106.)

PUBLIC COMMENT-4:

Comment by Bruce Henderson regarding the Chargers, and what he considered to be problems in the agreement that the City had approved.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A106-136.)

PUBLIC COMMENT-5:

Comment by Ron Boshun regarding his feelings that the City Council tries to pull something over on the public. He expressed that when they did that, there is always prayer and the Pledge of Allegiance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A137-149.)

PUBLIC COMMENT-6:

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, January 31, 2000**

Page 7

Comment by Bert Decker referring to his friend Don Stillwell speaking on control by the Chinese of the Panama Canal. Mayor Golding noted that subject was not in the jurisdiction of the Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A150-176.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Stallings regarding cutting the ribbon for a new playground at Fletcher Elementary School in Sera Mesa. Council Member Stallings expressed that it was a joint effort with Park and Recreation, the parents, the PTA, and the Unified School District. Council Member Stallings wished to thank everyone involved in making the safe new playground happen for Fletcher Elementary.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A180-190.)

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

1/10/2000

1/11/2000 Adjourned

1/12/2000 Special Meeting

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A193-194.)

MOTION BY WEAR TO APPROVE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: Veronica Froman Day.

INTERGOVERNMENTAL RELATIONS DEPARTMENT'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-844) ADOPTED AS RESOLUTION R-292675

Expressing sincere gratitude to Rear Admiral Veronica Froman for her tremendous contribution to our Navy personnel, and to our community as a whole, and proclaiming January 31, 2000 to be "Veronica Froman Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A204-319.)

MOTION BY STALLINGS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: Herbert G. Klein Day.

(Continued from the meeting of January 18, 2000, Item 31, at Councilmember Stevens's request.)

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-774) CONTINUED TO FEBRUARY 22, 2000

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, January 31, 2000**

Page 9

Commending Mr. Herbert G. Klein for his accomplishments and service to the City; Proclaiming January 18, 2000 to be "Herbert G. Klein Day" in San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO CONTINUE THIS ITEM TO FEBRUARY 22, 2000 AT THE REQUEST OF COUNCIL MEMBER STEVENS TO ALLOW MR. KLEIN TO BE PRESENT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33: Cathy L. Clark Day in San Diego.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-817) ADOPTED AS RESOLUTION R-292677

Commending Cathy L. Clark for her service and dedication to the City of San Diego and proclaiming January 31, 2000 to be "Cathy L. Clark Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A320-409.)

MOTION BY STALLINGS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50: Use of Train Whistles in Centre City.

(Districts- 2, 4, and 8)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/18/2000. (Council voted 8-0. Mayor not present):

(O-2000-93) ADOPTED AS ORDINANCE O-18744 (New Series)

Adoption of an Ordinance amending Chapter VIII, Article 5, Division 17, of the San Diego Municipal Code by adding Section 85.28 Titled "Train Whistle Use-Prohibited."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51: Amending the Transit Shelter and Bus Bench Memorandum of Understanding.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/10/2000. (Council voted 8-0. Mayor Golding not present):

(O-2000-32) ADOPTED AS ORDINANCE O-18745 (New Series)

Adoption of an Ordinance amending the San Diego Municipal Code by amending Chapter VI, Article 2, Division 5, by repealing Section 62.0501, relating to Street Benches, Conditions and Regulations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-52: Amendment to the San Diego Municipal Code to add a Widows Benefit for the Spouse(s) of those City Employees who are Killed in the Line of Duty as a result of Physical Force or Physical Violence, pursuant to Assembly Bill 3478 and Senate Bill 563.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/10/2000. (Council voted 9-0):

(O-2000-90) ADOPTED AS ORDINANCE O-18746 (New Series)

Adoption of an Ordinance amending Chapter II, Article 4, of the San Diego Municipal Code by amending Sections 24.0715, 24.1201, and 24.1202, all relating to the San Diego City Employees' Retirement System.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-53: Amending the San Diego Municipal Code relating to the San Diego City Employees' Retirement System.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-128) INTRODUCED, TO BE ADOPTED FEBRUARY 22, 2000

Introduction of an Ordinance amending Chapter II, Article 4, of the San Diego Municipal Code, by amending Section 24.1201, relating to the San Diego City Employees' Retirement System, to provide continued health benefits to the same

spouses and dependent children of deceased Safety Members who would receive death benefits under the Public Safety Officers Death Benefits Act.

CITY MANAGER SUPPORTING INFORMATION:

Proposal: Amend San Diego Municipal Code Section 24.1201 to provide continued health benefits to the same spouses and dependent children of deceased Safety Members who would receive death benefits under the Public Safety Officers Death Benefits Act. The language of the Public Safety Officers Death Benefits Act mirrors the intent of the language in Ordinance O-2000-90, but provides more thorough language to cover possible deaths that may result from the unique circumstances faced by public safety personnel such as deaths by biological, chemical exposure, infectious disease, or climatic conditions.

Background: The City Council passed Ordinance O-2000-90 on the consent agenda of Monday, January 10, 2000. Ordinance O-2000-90 amended the San Diego Municipal Code to provide for a Widows benefit for City Employee Members killed in the line of duty by external violence or physical force. A City Manager's Memo dated January 10, 2000, advised the Council that an agreement had been reached with San Diego City Fire Fighters Local 145 on an additional amendment that would provide consistency between the federal and municipal laws. The proposed amendment would provide the continuation of health benefits, as provided by Ordinance O-2000-90, to the same spouses and dependent children of deceased Safety Members who would receive death benefits under the Public Safety Officers Death Benefits Act.

FISCAL IMPACT: None.

Herring/Kelley

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100: Adding a February 23, 2000, Land Use and Housing Committee Meeting.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-805) ADOPTED AS RESOLUTION R-292678

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2000 through December 31, 2000 to add a meeting of the Land Use and Housing Committee on Wednesday, February 23, 2000, at 2:00 p.m., in the Council Committee Room, 202 "C" Street, San Diego, CA 92101.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101: Adding a February 23, 2000, Public Safety and Neighborhood Services Committee Meeting.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2000-800) ADOPTED AS RESOLUTION R-292679

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2000 through December 31, 2000 to add a meeting of the Public Safety and Neighborhood Services Committee on Wednesday, February 23, 2000, at 9:00 a.m., in the Council Committee Room, 202 "C" Street, San Diego, CA 92101.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-102: Three actions related to the Final Subdivision Map of California Terraces Unit No. 3D.

(This is a 208-lot subdivision. Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-811) ADOPTED AS RESOLUTION R-292680

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of public improvements.

Subitem-B: (R-2000-810) ADOPTED AS RESOLUTION R-292681

Approving the final map.

Subitem-C: (R-2000-812) ADOPTED AS RESOLUTION R-292682

Approving the acceptance by the City Manager of a grant deed of Pardee Construction Company, bearing date of June 25, 1999, granting to the City Lots A, G, & H of California Terraces Unit No. 3D for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of 89.136 acre site into 200 residential lots and lots A through H designated as open space or building restricted lots. It is located north of State Route 905 and east of I-805, in the Otay Mesa Community Plan area. On April 12, 1994 the Council of the City of San Diego approved Resolution Nos. R-283694 and R-283695 for California Terraces subdivision. The City Engineer has approved the final map and states that all conditions of the tentative map have been satisfied. The Public Improvements required for this subdivision are shown in detail on Drawings Nos. 29364-1-D through 29364-45-D, filed in the office of the City Clerk under Micro Number 140.23. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$3,960,206 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$36,000, as determined by the surveyors estimate, has been posted as surety for the setting of survey monuments. This

subdivision is located in the Western Otay Mesa Public Facilities Financing Plan area, Which provides for the payment of a Development Impact Fee (DIF), including parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. Subdivider, by letter has given assurance to the City of San Diego that the Developer subscribes to the Affirmative Marketing Program as shown in the Memorandum of Understanding between the San Diego Building Industry Association and the U. S. Department of Housing and Urban Development. Lots A, G & H are being deeded to the City at no cost as a condition to Tentative Map approval. The lots total 36.94 acres. No park fee credit is being granted by this action. Staff recommends approval.

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/SH

FILE LOCATION: SUBITEMS A & B: SUBD-California Terraces Unit No. 3D; SUBITEM C: DEED F-7688

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103: Two actions related to Approving Plans and Specifications and Inviting Bids for Sewer Replacement Contract A2.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-509) ADOPTED AS RESOLUTION R-292683

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for the Construction of Sewer Replacement Contract A2;

Inviting bids for the Sewer Replacement Contract A2 on Work Order No. 175741;

Authorizing a contract with the lowest responsible bidder;

Authorizing the Auditor and Comptroller to transfer \$1,625,600 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement to Sewer Fund 41506, CIP-46-206.0, Annual Allocation - Emergency and Accelerated Annual Allocation Projects;

Authorizing the expenditure, not to exceed \$1,625,600 from Sewer Fund 41506, CIP-46-206.0, for the purpose of providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury, and authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K20043C)

Subitem-B: (R-2000-380)

ADOPTED AS RESOLUTION R-292684

Certifying that the information contained in Mitigated Negative Declaration LDR-99-0101 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving Mitigated Negative Declaration;

Declaring that pursuant to California Public Resources Code Section 21081.6, the Council adopts the Mitigation Monitoring and Reporting Program, or alternations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Replacement Contract A2 is a combination of six (6) accelerated projects located in various parts of the City. This project includes replacement of approximately 3,390 linear feet of old and

deteriorated sewer mains, realignment of 1,491 linear feet, and rehabilitation of 1,387 linear feet of sewer mains.

FISCAL IMPACT:

The total cost of this project is estimated at \$1,625,600 which is available in Fiscal Year 2000 Sewer Fund 41506, CIP-46-206.0, Annual Allocation - Emergency and Accelerated Projects. Of this amount, \$418,470 is for Engineering, \$1,097,430 for Construction, and \$109,700 for Contingencies and related costs.

Loveland/Belock/AO

Aud. Cert. 2000478.

WWF-00-416.

FILE LOCATION: SUBITEMS A & B: CONT - DJF Construction Inc.; W.O.
175741

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104: Approving Plans and Specifications and Inviting Bids for the Construction of Chollas Landfill Gas Upgrade.

(Chollas View Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-508) ADOPTED AS RESOLUTION R-292685

Approving the plans and specifications for furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for the Construction of Chollas Landfill Gas Upgrade;

Inviting bids for the construction of Chollas Landfill Gas Upgrade on Work Order No. 320180;

Authorizing a contract with the lowest responsible bidder;

Authorizing the City Auditor and Comptroller to transfer \$60,000 from CIP-32-420.0, South Chollas Landfill Improvements, Fund No. 41201 to CIP-32-418.0, South Chollas Landfill Gas Upgrades;

Authorizing the expenditure of funds not to exceed \$260,000 from CIP-32-418.0, South Chollas Landfill Gas Upgrades, Fund No. 41201, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are or will be on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K20042C)

CITY MANAGER SUPPORTING INFORMATION:

The 120 acre South Chollas Landfill located along College Grove Drive received municipal solid wastes from 1952 to 1981. A landfill gas control system is in place and operating at this site. The control system functioned reliably, however, it has aged and improvements are necessary to achieve compliance with California Code of Regulations Title 27, Article 6. Gas Monitoring and Control at Active and Closed Disposal Sites.

FISCAL IMPACT:

The estimated construction cost of the gas system upgrade is \$210,000. Total project cost is estimated to be \$260,000. \$200,000 is available in Environmental Service Enterprise Fund 41201, CIP-32-0180, and this request is to transfer an additional \$60,000 from Environmental Service Enterprise Fund 41201, CIP-32-020.0, South Chollas Landfill Improvements.

Loveland/Hays/RAP

Aud. Cert. 2000495.

FILE LOCATION:

CONT - Tyree Organization; W.O. 320180

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105: Landscaping Easement Abandonment in Lot 19 of Westview Unit No. 1, Map 12680.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-765) ADOPTED AS RESOLUTION R-292686

Vacating the landscaping easement in Lot 19 of Westview Unit No. 12680, located within the Mira Mesa Community Area.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of a landscaping easement in Lot 19 of Westview Subdivision, which is located in the Mira Mesa Community area within Council District 5. The owner wishes to fence and maintain the landscaped area rather than having the landscaping maintained by the City of San Diego landscape Maintenance District. The Northern Parks Division has no objection to the applicant's request and the easement abandonment. The easement to be abandoned was acquired at no cost to the City. City staff recommends the approval for the easement abandonment.

FISCAL IMPACT:

None. All costs are paid by the applicant.

Culbreth-Graft/Haase/SH

FILE LOCATION: DEED F-7689

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106: Mary Cave Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-826) ADOPTED AS RESOLUTION R-292687

Congratulating and thanking Mary Cave for her many years of outstanding volunteer service and her incredible commitment to the game of golf;

Proclaiming Thursday, February 3, 2000 to be "Mary Cave Day" in America's Finest "GOLF" City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-107: Michael 'Big Mike' Phillips Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-841) ADOPTED AS RESOLUTION R-292688

Recognizing the outstanding civic contributions Michael "Big Mike" Phillips has made to improve the lives of the citizens in San Diego, and notably his work contributions to community agencies that help to improve the lives of children and those persons living with HIV/AIDS;

Proclaiming January 19, 2000 to be "Michael 'Big Mike' Phillips Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-108: Excusing Councilmember Vargas from attending the regularly scheduled City Council Meetings of June 28-29, 1999, and October 26, 1999.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-827) ADOPTED AS RESOLUTION R-292689

Excusing Councilmember Vargas from attending the regularly scheduled Council meetings of June 28 and 29, 1999, and October 26, 1999.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-109: Rescue Boat Operations and Marine Firefighting Classes.

(Mission Bay Community Area. Districts-1 and 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-770) ADOPTED AS RESOLUTION R-292690

Authorizing and directing the City Manager or his designee to accept a grant of funds from the California Department of Boating and Waterways, for the provision of public safety training classes, and to expend the funds from the grants to host classes for San Diego Fire & Life Safety Services personnel in Rescue Boat Operations and Marine Firefighting.

CITY MANAGER SUPPORTING INFORMATION:

The California Department of Boating and Waterways (DBW) currently offers five (5) forty (40) hour modules of training in the area of Boating Rescue Enforcement. These courses are approved by the Port Captains and Harbor Masters Association. The modules are Rescue Boat Operations, Marine Firefighting, Boating Safety and Enforcement, Navigation, and Boat Operations. DBW requested that the City of San Diego host two (2) classes: Rescue Boat Operations and Marine Firefighting. Classes are open to agencies involved in boating safety, rescue and enforcement, including lifeguards, harbor patrol officers, and law enforcement officers. By hosting this class, San Diego staff members will be able to attend without having to incur the cost of travel. DBW will reimburse the City of San Diego for the cost of the classes up to \$22,000. A Certificate of Appropriation in that amount has been received by the Department of Boating and Waterways.

Culbreth-Graft/Osby/Brewster

Aud. Cert. 2000563.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110: Shared Costs for State Storm Water Permit Fee.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-795) ADOPTED AS RESOLUTION R-292691

Authorizing and empowering the City Manager to accept, for and on behalf of the City, Municipal Storm Water Pollution Control Permit fees from participating agencies in an amount up to \$7,486.04, to be deposited in Storm Drain Fee Fund 105085;

Authorizing the expenditure of an amount not to exceed \$7,486.04 from Storm Drain Fee Fund 105085 and \$2,513.96 from Street Division Operating Fund 10440 for State Storm Water Permit Fee.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego, the San Diego Unified Port District, the County of San Diego, and the other incorporated cities in San Diego County are co-permittees on a Municipal Storm Water Pollution Control Permit (NPDES No. CA0108758). As a group, the co-permittees share the costs for complying with this permit and Regional Water Quality Control Board Order 90-42, such as joint wet weather testing, permit fees, and education programs. The cost for the State Storm Water Permit Fee is split based on a percentage of the total SANDAG population for each jurisdiction and on an equally split administrative fee.

FISCAL IMPACT:

The State Storm Water Permit Fee is \$10,000. The City's share of the fee is \$2,513.96, and will be paid from the Street Division Operating Fund 10440. The remaining \$7,486.04 will be paid by the other permit co-permittees.

Conrad/Gonzalez/JLL

Aud. Cert. 2000594.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111: Retime 36 and 99 (135) Traffic Signals Citywide.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-794) ADOPTED AS RESOLUTION R-292692

Approving the addition of CIP-62-312.0, Traffic Signal Retiming Project, to the FY 2000 Capital Improvements Program, for the purpose of Retiming 36 and 99 (135) Traffic Signals Citywide;

Approving the appropriation and expenditure of \$67,500, in CIP-62-312.0, Traffic Signal Retiming Project, \$18,000 from CMAQ Fund (38674) and \$49,500 from CMAQ Fund 38673.

CITY MANAGER SUPPORTING INFORMATION:

On June 21, Resolutions R-291783 and R-291784 were adopted to apply, appropriate, and expend Federal Congestion Mitigation and Air Quality (CMAQ) funds for two Traffic Signal Retiming Projects: Fund 38673 for 99 traffic signals Citywide, and Fund 38674 for 36 traffic signals in Del Mar Heights and Logan Heights. This action adds the Projects to the FY 2000 CIP and authorizes appropriation and expenditure in CIP. The traffic signals will be retimed for optimum traffic flow and reduced emissions, fuel consumption, and delay. Federal CMAQ Grant funding will provide for the necessary traffic data collection for the Project. The traffic signal retiming will be done by budgeted City staff using the acquired data.

FISCAL IMPACT:

The cost of data collection for this project is \$67,500, which is reimbursable by Federal CMAQ Grants.

Loveland/Gonzalez/AH

Aud. Cert.2000603.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112: Angle Parking on Voltaire Street.

(Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-806) ADOPTED AS RESOLUTION R-292693

Approving angle parking on the north side of Voltaire Street between Sunset Cliffs Boulevard and Cable Street, and on both sides of Voltaire Street between Cable Street

and Abbott Street, pursuant to San Diego Municipal Code Section 86.03;

Authorizing the installation of the necessary signs and markings to be made on the streets, and the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action permits angle parking on the north side of Voltaire Street between Sunset Cliffs Boulevard and Cable Street, and angle parking on both sides of Voltaire Street between Cable Street and Abbott Street. Currently, there is parallel parking in this segment. This action will provide 50 percent additional parking spaces. Council approval is required according to San Diego Municipal Code Section 86.03. Traffic Engineering supports this recommendation, and a petition representing 90 percent of the affected property owners was submitted in support of this action.

The Ocean Beach Planning Board supports this action.

FISCAL IMPACT:

None.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2000-786) ADOPTED AS RESOLUTION R-292694

Declaring a continued state of emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: Gen'l-state of emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114: Nomination to the San Diego Convention Center Corporation Board.

(See memorandum from Mayor Golding dated 11/24/99.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-705) ADOPTED AS RESOLUTION R-292695

Nominating the following persons to serve as members of the San Diego Convention Center Corporation Board of Directors:

NOMINEE

NOMINATED BY

Patrick Shea
Gail Stoorza-Gill

Mayor Susan Golding
Mayor Susan Golding

Re-electing Patrick Shea and Gail Stoorza-Gill to the Board of Directors of the San Diego Convention Center Corporation, for three-year terms to expire on December 1, 2002.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO CONFIRM THE APPOINTMENTS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, *Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

*Council Member Stallings voted nay to reelect Patrick Shea to the Board of Directors of the San Diego Convention Center Corporation.

* ITEM-115: Nomination to the San Diego Convention Center Corporation Board.

(See memorandum from Mayor Golding dated 12/9/99.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-745) ADOPTED AS RESOLUTION R-292696

Nominating for election to the San Diego Convention Center Corporation Board of Directors, as follows:

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, January 31, 2000**

Page 28

Nominee

Daniel W. McAllister

Nominated by:

Mayor Susan Golding

Electing Daniel W. McAllister to the Board of Directors of the San Diego Convention Center Corporation, for a three-year term to expire on December 1, 2002, replacing Brian Seltzer, whose term has expired.

FILE LOCATION:

MEET

COUNCIL ACTION:

(Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO CONFIRM THE APPOINTMENT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200: Ballpark and Redevelopment Project.

NOTE: If the proposed agreements and other documents set forth in Items 202, 203 and 204 are not on file in the Office of the City Clerk and available for public review by the close of business on January 26, 2000, Items 200, 201, 202, 203 and 204 will not be considered at the Council meeting of January 31, 2000, but will either be returned to the City Manager for re-docketing at a later time or will be continued to a future Council meeting.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/14/99. (Council voted 6-3. Councilmembers Mathis, Wear, Stevens, Stallings, Vargas, and Mayor voted yea. Councilmembers Kehoe, Warden, and McCarty voted nay):

(O-2000-86 Cor.Copy)

ADOPTED AS ORDINANCE O-18747 (New Series)

Approving the form of and authorizing the execution and delivery of a Site Lease and a Ballpark Facility Lease and approving and authorizing the execution, delivery and performance of an Assignment Agreement and an indenture by the Public Facilities Financing Authority of the City of San Diego and approving and authorizing the

issuance and sale of the Authority's Lease Revenue Bonds, Series 2000A and approving certain other documents.

This ordinance does not authorize the issuance of the bonds, but is only a necessary step approving a portion of the documents necessary for the issuance. The remaining documents necessary to issue the bonds will be presented to Council for approval at a later date.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: D034-F103.)

MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: Ballpark and Redevelopment Project.

(Centre City East Community Area. District-2.)

NOTE: If the proposed agreements and other documents set forth in Items 202, 203, and 204 are not on file in the Office of the City Clerk and available for public review by the close of business on January 26, 2000, Items 200, 201, 202, 203, and 204 will not be considered at the Council meeting of January 31, 2000, but will either be returned to the City Manager for re-docketing at a later time or will be continued to a future Council meeting.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-757) ADOPTED AS RESOLUTION R-292697

Approving the form and authorizing the execution and delivery of a Purchase Contract relating to the Public Facilities Financing Authority of the City of San Diego Lease Revenue Bonds, Series 2000A; authorizing an agreement with Merrill Lynch, Pierce, Fenner & Smith for interim financing services related to the Ballpark financing;

authorizing the City Auditor and Treasurer to expend an amount not to exceed \$50,000 from Fund No. 102214, Dept. 102214, Org. 200, J.O. 000212 for interim services relating to Ballpark financing incurred by the underwriters prior to the issuance of the 2000A Bonds; and approving other actions in connection therewith and determining that there are significant public benefits to the City of San Diego from the issuance of the bonds.

This resolution does not authorize the issuance of the bonds, but is only a necessary step approving a portion of the documents necessary for the issuance. The remaining documents necessary to issue the bonds will be presented to Council for approval at a later date.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego retained the underwriting services of Merrill Lynch & Company in December 1998 for the Ballpark & Redevelopment Project. The proposed Contract of Purchase (Bond Purchase Agreement) is an agreement between the Public Facilities Financing Authority, the City of San Diego, and Merrill Lynch & Company for the initial purchase and the subsequent public offering of lease revenue bonds. Also, an agreement is being proposed between the City of San Diego and Merrill Lynch & Company. This agreement provides for interim funding not to exceed \$50,000 for advisory services pertaining to the financing of the Ballpark & Redevelopment Project.

FISCAL IMPACT:

Fiscal impacts are: (a) underwriting fees, which are determined at the time of sale, will be paid for out of bond proceeds and are authorized at a not to exceed 1.25 percent of the maximum authorized bond issuance of \$299 million; and (b) \$50,000 paid for out of the Entertainment/Sports Center - Ballpark Project Fund.

Frazier/Vattimo/ELK

Aud. Cert. 2000596.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: D034-F103.)

MOTION BY WEAR TO ADOPT THE RESOLUTION. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202: Six actions related to Issuance of Ballpark and Redevelopment Project Permanent Financing.

(See City Manager Report CMR-99-237. Centre City Redevelopment Project. District-2.)

NOTE: If the proposed agreements and other documents set forth in Items 202, 203, and 204 are not on file in the Office of the City Clerk and available for public review by the close of business on January 26, 2000, Items 200, 201, 202, 203, and 204 will not be considered at the Council meeting of January 31, 2000, but will either be returned to the City Manager for re-docketing at a later time or will be continued to a future Council meeting.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-754 Rev.1) ADOPTED AS RESOLUTION R-292698

Authorizing the execution of the Memorandum of Agreement for the Extension of the Partial Use and Occupancy Agreement for Qualcomm Stadium between the City and the Padres, L.P.

Subitem-B: (R-2000-759 Rev.1) TRAILED TO FEBRUARY 1, 2000

Authorizing the execution of a Use, Occupancy and Management Agreement between the City and the Padres, L.P. for the use, occupancy and management of the proposed new ballpark.

Subitem-C: (R-2000-758 Rev.1) TRAILED TO FEBRUARY 1, 2000

Authorizing the execution of a Design-Build Procurement Consultant Agreement between the City, Padres, L.P. and Padres Construction, L.P. for the design and construction of the proposed new ballpark.

Subitem-D: (R-2000-755 Rev.1) ADOPTED AS RESOLUTION R-292699

Accepting the Guaranty Agreement Concerning the Ballpark Design-Build Procurement Consultant Agreement from Padres, L.P. to the City regarding the design and construction of the proposed new ballpark.

Subitem-E: (R-2000-764 Rev.1) RETURNED TO THE CITY MANAGER

Approving the form of Parking Management Agreement for a proposed Ballpark Project Parking Facility.

Subitem-F: (R-2000-756 Rev.1) ADOPTED AS RESOLUTION R-292700

Authorizing the execution of a Declaration of Covenants, Conditions and Restrictions of Ballpark Owners Association and Establishment of Reciprocal Easements regarding the ownership interests at the proposed new ballpark and the proposed Park at the Park.

FILE LOCATION: SUBITEMS A, B,C,D & F: LEAS- Padres, L. P. (64)
SUBITEM E: MEET (64)

COUNCIL ACTION: (Tape location: F114-G112.)

MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS IN SUBITEMS A, D, AND F, RETURN SUBITEM E TO THE CITY MANAGER DUE TO THE RESOLUTION NOT BEING NEEDED, AND TO APPROVE REDEVELOPMENT ITEM NUMBER 3. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Two actions related to Agreements related to the Ballpark and Redevelopment Project, and Convention Center Expansion.

(Centre City Redevelopment Project. District-2.)

NOTE: If the proposed agreements and other documents set forth in Items 202, 203, and 204 are not on file in the Office of the City Clerk and available for public review by the close of business on January 26, 2000, Items 200, 201, 202, 203, and 204 will not be considered at the Council meeting of January 31, 2000, but will either be returned to the City Manager for re-docketing at a later time or will be continued to a future Council meeting.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-829) ADOPTED AS RESOLUTION R-292701

Authorizing the execution of a Purchase and Sale Agreement and Joint Escrow Instructions between the City and the San Diego Unified Port District.

Subitem-B: (R-2000-830) ADOPTED AS RESOLUTION R-292702

Authorizing the execution of an Agreement Concerning the Development of a Convention Center Expansion Related Hotel and the Financing of the Proposed Ballpark and Redevelopment Project between the City, Port District and Redevelopment Agency.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B270-D019.)

MOTION BY WEAR TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B, AND TO APPROVE REDEVELOPMENT AGENCY ITEM NUMBER 4. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204: Ballpark and Redevelopment Project Implementation Agreement.

(Centre City Redevelopment Project. District-2.)

NOTE: If the proposed agreements and other documents set forth in Items 202, 203, and 204 are not on file in the Office of the City Clerk and available for public review by the close of business on January 26, 2000, Items 200, 201, 202, 203, and 204 will not be considered at the Council meeting of January 31, 2000, but will either be returned to the City Manager for re-docketing at a later time or will be continued to a future Council meeting.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-849) ADOPTED AS RESOLUTION R-292703

Authorizing the execution of an agreement between the City, Redevelopment Agency, CCDC and the San Diego Padres implementing certain provisions, rights, and obligations set forth in the Memorandum of Understanding (MOU) regarding the Ballpark and Redevelopment Project.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: G113-H488.)

MOTION BY WEAR TO ADOPT THE RESOLUTION AND APPROVE REDEVELOPMENT AGENCY ITEM NUMBER 5. Second by Vargas. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205: Transitional Housing for the Downtown Severely Mentally III Homeless.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-861) ADOPTED AS RESOLUTION R-292704

Authorizing the City Manager to develop and find outside funding for a centralized system to coordinate intake, evaluation and referrals for this population and provide central information on available programs, housing, demographic data, and clinical outcomes by July 2000, or as soon as practicable, with initial system implementation by December 2000;

Authorizing the City Manager to secure funding for and assist in the location of two new or rehabilitated 25-bed transitional housing facilities for the severely mentally ill homeless by December 2000, and two additional twenty-five bed facilities by December 2001 to be located downtown or in non-residential areas only. The first 25-bed facility is to be located in the downtown area;

Authorizing the City Manager to secure funding for and assist in the location of twenty-five new or rehabilitated permanent supportive housing units for the severely mentally ill homeless by December 2000, and seventy-five additional units by December 2001.

These 100 units are to be located downtown or in non-residential areas only;

Authorizing the City Manager to secure funding for and assist in the location of expanded drug and alcohol detoxification and long-term treatment programs and facilities for chronic inebriates and dually-diagnosed homeless by December 2000;

Authorizing the City Manager to evaluate the success of the first six months of the Police Department Western Division chronic inebriate arrest/treatment pilot program, and if feasible, begin implementation by July 2000, or when determined practicable;

Rescinding Resolution R-292545, adopted on December 6, 1999.

SUPPORTING INFORMATION:

On December 6, 1999 the City Council voted 7-2 to accept the City Manager Report CMR-99-241 which set forth a program proposing to assist the severely mentally ill, chronic inebriates, drug addicted and dually diagnosed homeless in the downtown area. Direction was given to have the City Manager, Housing Commission, and the Intergovernmental Relations Department (IRD) work collaboratively on an implementation plan with a time line and a recommendation for funding sources. Additionally, IRD was directed to add this plan and its financial means to the legislative package that

the Council has approved and to include every Council District and delete all neighborhood names in the description of the action.

The proposed amendment to the resolution will clarify locational criteria for facilities as follows:

- The first 25 bed facility is to be located in the downtown area.
- The remaining beds or units are to be located downtown or in non-residential areas only.

FISCAL IMPACT:

None with this action.

Layton

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206: Actions related to the Proposed Downtown Property and Business Improvement District.

(Continued from the meeting of December 6, 1999, Item 218, at the City Manager's request, for further review.)

(Centre City Community Area. Districts-2, 3 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-653) TRAILED TO FEBRUARY 1, 2000

Adoption of a resolution submitting property owner petitions requesting that proceedings be initiated to establish a Property and Business Improvement District in downtown San Diego in accord with provisions of the Property and Business Improvement District Law of 1994.

Subitem-B: (R-2000-654) TRAILED TO FEBRUARY 1, 2000

Adoption of a resolution that an Advisory Board for the downtown PBID is hereby appointed, the members of which shall be set forth on Exhibit "A", to serve a term of five years or for so long as the PBID is in place.

Subitem-C: (R-2000-655) TRAILED TO FEBRUARY 1, 2000

Adoption of a resolution preliminarily approving a detailed engineer's report supporting the proposed PBID that has been prepared by Terrance E. Lowell, a registered professional engineer certified by the State of California.

Subitem-D: (R-2000-656) TRAILED TO FEBRUARY 1, 2000

Resolution of Intention to levy and collect assessments for Fiscal Year 2001 Annual Assessments on the Downtown Property and Business Improvement District and setting Tuesday, February 22, 2000 at 10:00 a.m. in the Council Chambers of the City Administration Building, Community Concourse, 202 C Street, in the City of San Diego, California as the place for the public hearing.

Contingent upon sufficient property owner support by ballot and a decision by the City Council to establish the proposed PBID at the conclusion of the public hearing, the following resolutions would automatically be presented for City Council consideration:

Subitem-E: (R-2000-657) TRAILED TO FEBRUARY 1, 2000

Adoption of a Resolution considering the protests, approving the map, confirming the assessments, and ordering the proposed activities.

Subitem-F: (R-2000-658) TRAILED TO FEBRUARY 1, 2000

Authorizing the City Auditor and Comptroller to establish the Downtown Property and Business Improvement District Fund.

Subitem-G: (R-2000-659) TRAILED TO FEBRUARY 1, 2000

Authorizing and directing the City Manager to execute, for and behalf of the City, an agreement with the Downtown San Diego Partnership, for the administration of contracts for goods and services for the Downtown Property and Business Improvement District, for a period of five years.

CITY MANAGER'S SUPPORTING INFORMATION:

Adopt the resolutions.

ENVIRONMENTAL IMPACT:

This action is Categorically Exempt from CEQA pursuant to the CEQA Guidelines Section 15301, Existing Facilities.

ITEM-207: Marketing Partnership Program.

(Trailed from the meeting of January 18, 2000, Item 201, as unfinished business, for full Council.)

(See City Manager Report CMR-99-234.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-681 Rev. 1) TRAILED TO FEBRUARY 1, 2000

Approving the City Council Policy No. 000-40, titled "Marketing Partnership Policy" and that existing Council Policy titled "Product Endorsement" is renumbered from No. 000-23 to 000-41;

Authorizing the City Manager to enter into an Agreement with the Pathfinder Group to provide consulting services for the implementation of the Municipal Marketing Partnership Program;

Authorizing the City Auditor and Comptroller to expend \$83,000 from Fund 100 for the Agreement in Fiscal Year 2000 to implement the Municipal Marketing Partnership Program.

Aud. Cert. 2000527.

NOTE: On 1/18/2000 the motion to adopt the City Manager's recommendation failed; and the motion to continue failed.)

ITEM-208: Agreement with Hirsch and Company Consulting Engineers for the Adobe Falls Water Pump Station - Replacement.

(Continued from the meeting of December 6, 1999, Item 112, at the City Manager's request, for further review.)

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-580) ADOPTED AS RESOLUTION R-292705

Authorizing an agreement with Hirsch and Company Consulting Engineers, to provide design and construction support services for the Adobe Falls Water Pump Station - Replacement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$314,800 from Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Station - Replacement, for the purpose of executing this agreement and related in-housing engineering costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Adobe Falls Water Pump Station is located on the northwest corner of Waring Road and Interstate 8. The pump station was constructed in 1965 and originally consisted of five large horizontal pumps with 150 horsepower motors. Presently, four pumps are in operation with one out of service. The Adobe Falls Pump Station is a vital link between the Alvarado Water Treatment Plant and the Kearny Mesa service area.

The successful operation of the pump station allows the City to utilize a portion of their local water storage which results in a cost savings to the City from purchasing imported water. Currently, due to 35 year old design standards, the pump station is operating at a low efficiency and is regularly experiencing necessary repairs. The existing wood pump house building is deteriorating resulting in structural deficiencies and is in need of replacement. The electrical and telemetry equipment is antiquated and outdated. The new pump station will consist of five (5) energy efficient pumps and motors, new state of the art electrical and telemetry equipment and construction of an architecturally designed building consistent with the aesthetic preferences of the surrounding community. Construction of this new pump station facility will provide a more reliable and efficient facility and will save in electrical and maintenance costs. The City's As-Needed Consultant process was used in order to interview for the most qualified consultants. Six firms were interviewed and the process resulted in Hirsch & Company Consulting Engineers as the most qualified firm.

FISCAL IMPACT:

Funding for the engineering consultant and related in-house engineering costs is available from the Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Station - Replacement.

Loveland/Gardner/SWW

Aud. Cert. 2000497.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-209: Amending the San Diego Municipal Code relating to Adult Entertainment Businesses.

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2000-92) INTRODUCED, TO BE ADOPTED ON FEBRUARY 22, 2000

Introduction of an Ordinance amending Chapter 14, Article 1, Division 6, of the San Diego Municipal Code by amending Section 141.0601 relating to Commercial Services Use Category - Separately Regulated Uses, Adult Entertainment Businesses.

SUPPORTING INFORMATION:

This Ordinance relating to Adult Entertainment Businesses contains non-substantive clarifications and cleanup language which will assist in the interpretation, application, permit processing and enforcement of the City's Adult Business regulations. Antiquated terminology is removed and replaced with modern terms which better reflect the various forms of media used by the Adult Entertainment Industry. Without these changes, regulation and enforcement of Adult Businesses will be more difficult.

Devaney/RD

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A430-B269.)

CONSENT MOTION BY MATHIS TO INTRODUCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-210: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

RETURNED TO CITY MANAGER

Property: Qualcomm Stadium.

Agency Negotiator: City Manager and City Negotiation Team
(Resolution No. R-289758).

Negotiating Parties: City of San Diego and San Diego Padres.

Under Negotiation: Price and terms of use and occupancy agreement extension.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on Tuesday, February 1, 2000.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: G111-115.)

ITEM-211: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

RETURNED TO CITY MANAGER

Property: East Village Area of Downtown San Diego bounded by J Street, Seventh Avenue, Harbor Drive and Tenth Avenue (new ballpark).

Agency Negotiator: City Manager and City Negotiation Team
(Resolution No. R-289758).

Negotiating Parties: City of San Diego and San Diego Padres.

Under Negotiation: Terms of use and occupancy agreement.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on Tuesday, February 1, 2000.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: G111-115.)

ITEM-212: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

RETURNED TO CITY MANAGER

Property: East Village Area of Downtown San Diego bounded by Twelfth Avenue, Imperial Avenue, Fourteenth Street and K Street.

Agency Negotiator: City Manager and City Negotiation Team
(Resolution R-289758).

Negotiating Parties: City of San Diego and San Diego Unified Port District.

Under Negotiation: Price and terms of sale to Port District.

Prior to Council discussion in Closed Session and in compliance with the Brown Act (California Government Code Section 54956.8), this issues is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on Tuesday, February 1, 2000.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: G111-115.)

ITEM-250: Settlement of the Personal Injury/Property Damage Claim of James Cronin.

(R-2000-822)

Adopted as Resolution R-292673.

A Resolution approved by the City Council in Closed Session on Tuesday, January 18, 2000, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$600,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury/property damage claim of James Cronin on or about November 9, 1997 (Superior Court Case No. 725656, James Cronin v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$600,000 made payable to James Cronin and Robert S. Kilborne, IV, Esq. and Milberg and De Phillips, his attorney of record, 7872 Rio Senda, P.O. Box 7288, Rancho Santa Fe, CA 92067, in full settlement of all claims.

Aud. Cert.2000630.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-S400: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

HEARING HELD; REFERRED TO CLOSED SESSION ON FEBRUARY 1, 2000

Property: 17 acres, Sunset Drive, San Pasqual Valley.

Agency Negotiator: City Manager.

Negotiating Parties: City of San Diego and Hodges Golf Improvement Center.

Under Negotiation: Terms for new 25 year lease.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on February 1, 2000.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A641-B016.)

Mayor Golding closed the hearing.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Monday, January 31, 2000**

Page 45

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 8:00 p.m. in honor of the memory of:

Mary Frances Smith as requested by Deputy Mayor Mathis.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: H501.)